

Land Patents in the Brogden Area

The accompanying map plots land patents (or grants) in the Brogden area of Johnston County on a base map. The primary source of information is “NC Land Grant Images and Data” at nclandgrants.com. The secondary source is deeds held by Johnston County and available online through the Register of Deeds at johnstonnc.gov/rod or through FamilySearch.org. FamilySearch records are sometimes more clearly reproduced than at the Register of Deeds site. Records are easier to find at the Register of Deeds site unless they are transcripts (Trs on the map), and in a few cases, I could not find known deed books at the Register of Deeds site but could at FamilySearch. All these sites deserve your support.

I could not find all patents at nclandgrants.com. Presumably, the documentation for some patents has been lost over the centuries, just as with deeds. Sometimes patents I could not find at nclandgrants.com are referenced in subsequent deeds. Patents on the map are identified with their “file number,” the name of the patentee, and the year of issue. Some patents have two file numbers. Patents issued for Craven County before it spawned Johnston County in 1746 are so labeled. A few patents are identified on the map with a deed reference (book-page and tract number (Tr) if the deed includes multiple tracts) and the grantee and the year.

There are also two deed references (U1-7) in which the grantor was Thomas Pollock and the grantee was Joseph Boon. Both date to 1793. Pollock (died 1722) was a creditor of Christoph von Graffenreid, the founder of New Bern who acquired many acres of land, much of which passed to Pollock by default. Pollock’s heir, Thomas IV, granted much land by deed in Johnston County in 1793. Some of this land had already been patented to others and Pollock granted the same land to the patentees. Either this was a quitclaim or the patentee had failed to meet the requirements of the original patent. In the two cases on the map, I have assumed that the grantee of the deed was an earlier patentee, because this was the case in other such deeds included on the map.

For explanations of the patent process and requirements, please see nclandgrants.com.

The Base Map

The base map was copied from Johnston County GIS in about 2010. Water bodies are shown in blue, deed lines in black, and patents in red (for orange entries, see below). Some deed lines have changed since 2010. Water bodies are not platted accurately. This can be seen if one goes to johnstonnc.gov/gis2 and overlays the map with orthophotos. Water bodies are always somewhat off. I include a map of water bodies with names as referenced in patents and deeds.

How accurate is my map?

Consider the process of patents as well as my effort to map the patents:

1. A prospective patentee would enter a claim. The claims could have been nebulous or specific to a particular tract. How did the patentee identify the tract and how accurately? Sometimes, the claim was to land bordering other existing tracts or to landforms, usually water bodies. The boundaries of existing tracts may have been less than clear. Corners of tracts would have been marked, usually by trees, occasionally by stakes. The trees would have been marked by blazes, and as long as the tree remained was a reliable indicator. Trees along the line between corners may also have been blazed. Apart from trees disappearing over time, markers on water were subject to the vagaries of the course of the stream. This was particularly true of Neuse River, but also of smaller streams, particularly Bay Branch. Bawdy Swamp and Bare Swamp were wetlands whose borders were variable. In earlier patents, Bawdy was called "Spile Cunney" or variances thereof. "Bawdy" is a sort of euphemism.
2. The land agent of the Crown or the State would consider the patent claim. No master map of patents appears to exist. Maybe one once did. How did the agent locate the claim or know it was acceptable?
3. If the patent claim was accepted, surveyors would eventually be dispatched by the agent to mark off the claim. How did they locate the claim? I presume that the claimant or their agent was familiar with the site and would likely accompany the surveyors. Whatever the competence or diligence of the surveyors, their work is impressive given the limitations of their tools and the need to slog 16.5-foot poles and 66-foot chains through woodland and wetland. Still, the surveys do not cleanly fit together. Platting them together is the assembly of a jigsaw puzzle with a number of irregularly cut pieces. Descriptions of adjoining patents vary sometimes in bearing and distance. Patents sometimes overlap. Sometimes they gap. Some are missing. A few are flat-out wrong. The most blatantly erroneous patent is 1372. Its description in the patent ledger differs from its description by the surveyor. The surveyor's description differs from his plat.
4. In creating the jigsaw puzzle, I trimmed pieces to fit and made one nearly overriding assumption: the earlier patent was determining if patents overlapped. The one major exception was in the case of a patent issued to Richard Wiggins. Such a tract is referenced in patents 97, 1353, 1364, and 3153. Patent 97 was issued in 1754. The problem with Wiggins' patent is that these four subsequent patents all fit together. There is no space left for Wiggins. I also could not be sure I had found Wiggins' patent. The closest I could come was 548 issued for Craven County in 1750, which was a square with the Neuse as its western boundary and John Blackman's land as its southern. Patent 97 was issued to Steven Blackman and its boundary could conform to patent 548 through reference to Wiggins' corner on the Neuse. A problem is that Johnston County was created from Craven County in 1745, and a Wiggins patent there should not be a Craven patent. I decided to treat the

Wiggins patent as lapsed through failure to pay its quitrents, and the land reallocated, even as its ghost lived on. I have not platted it.

5. I then fit the jigsaw puzzle to the land. Working rules:
 - a. As noted previously, in conflicts between tracts, the older tract determines. This results in some patents being “squeezed” between older patents.
 - b. Another assumption was that some patent lines persisted until today. This is obvious in some of the lines of patents 1289 and 1225 and, somewhat less so, in many others.
 - c. I tended to draw patent lines as cardinal if their descriptions were one degree off from cardinal. This also raises the question to what extent the surveyors’ efforts reflected true as opposed to magnetic compass readings. At the time there was little deflection in the Brogden area from true north, but in the case of patents around the lower reaches of Bawdy Swamp, there is a curious eight degree variation. This rotation is noted in a plat drawn in 2017 (Plat Book 84-448). A rotation of about eight degrees from patent bearings results in a greater consistency with the base map and with other patents.
 - d. With respect to the shifting waters, I have generally used the patent bearings and distances, which often fall short of reaching the River. This is obvious in the case of patents Craven 224 and Johnston 1364. Their western lines were stated as being on the River, yet years later (49 such in the case of 224 and 35 years in that of 1364) new patents were issued between the old patents and the River, which had shifted west. Another case is that of Trs2-184Tr17 which has a southern border that apparently conformed to the River. Twenty-three years later a new patent was issued between that southern border and the river.

It should also be noted that the southeastern corner of patent 1244 is a good distance to the east of the current River.

I have also not extended patent lines beyond the River even if the bearings and distances indicate. In most such cases the distances are not great. However, in the case of patents D1-191 and 2271, it seems that the River was considerably to the south of its current bed; so much so that I have drawn in boundaries based on what seem to be “old rivers.”

- e. I have labeled a few areas as “undetermined,” areas for which I could not find a patent or comfortably assign to neighboring patents. There clearly were gaps. The smaller patents on the map in area were claims on existing gaps. Some of the later patents that I platted were fill-ins and, given my assignment of factual precedence to older patents, do not closely conform to the documented metes and bounds of the fill-in. A particular example is that of patent 2372, which I have drawn as two parts separated by the older patent 1259. In may be in some cases that the older patents have lapsed and that the newer patent metes and bounds should be represented.

- f. There are a handful of patents which are referenced by deed or by adjoining patents but without metes and bounds. These, I have placed on the map in orange. In one case I have used an orange line to separate two such patents, connecting two points which were indicated on known patents as being the corners of the missing patents.
 - g. Finally, I have drawn patents beyond the Brogden "borders" where this has been apparent and convenient.
6. How accurate is my map? In conclusion, best guess.